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RUEHNE/AMEMBASSY NEW DELHI PRIORITY 4240
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RUEHBY/AMEMBASSY CANBERRA PRIORITY 0966
RUEHOT/AMEMBASSY OTTAWA PRIORITY 1159
RUEHTC/AMEMBASSY THE HAGUE PRIORITY 1087
RUEHKP/AMCONSUL KARACHI PRIORITY 0823
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RHEFDIA/DIA WASHINGTON DC PRIORITY
RUEKJCS/SECDEF WASHINGTON DC PRIORITY
RUEKJCS/JOINT STAFF WASHINGTON DC PRIORITY
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RUMICEA/USCENTCOM INTEL CEN MACDILL AFB FL PRIORITY
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C O N F I D E N T I A L SECTION 01 OF 02 ISLAMABAD 003943

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SUBJECT: MUMBAI ATTACKS: PAKISTANI MOI HESITANT TO MOVE
INVESTIGATION TO LAW ENFORCEMENT CHANNELS

Classified By: Ambassador Anne W. Patterson, Reasons 1.4(B),(D).

¶1. (C) Summary. MOI State Secretary Kamal Shah expressed concern about moving the Mumbai bombing investigation into law enforcement channels. A successful prosecution, especially of the organizers, would demand significant levels of admissible evidence, which the Pakistanis do not now feel they have. However, Shah did not exclude the possibility that information sharing, either through third parties or, eventually, bilaterally with the Indians, could lead to a successful prosecution. End summary.

MOI HESITANT TO MOVE CASE TO LAW ENFORCEMENT CHANNELS

¶2. (C) DCM called on Kamal Shah, Ministry of Interior State Secretary (the senior civil servant in the MOI) to discuss prospects for shifting the Mumbai bombing case from intelligence to law enforcement channels. Shah expressed his deep concern, as a law enforcement professional, about pursuing a court case when there was not enough evidence to convict. He was particularly worried in this case because the Government of Pakistan (GoP) would want to prosecute the top level planners of the operation on conspiracy charges, which are notoriously difficult to prove. That kind of case required an especially high level of confidence in the quality and the admissibility of the evidence. And if the government brings a case, he said, and fails to achieve a conviction, the entire episode will be seen as a whitewash, which may make matters even worse.

¶3. (C) Turning to the issue of public perception, Shah was also bothered by apparent pressure to make Pakistani progress on the case public. He stressed that complex cases took time to develop, and that making public names of suspects or showing the government's hand early on only damaged the case in the long run.

"ONLY PIECE OF EVIDENCE IS A LETTER FROM KASAB"

¶4. (C) So far, said Shah, India had only provided one piece of evidence: a letter that purports to be from the lone surviving attacker, Mohammed Ajmal Kasab. Shah showed DCM a copy of the single, double-spaced letter handwritten in pencil and provided a rough translation:

Quote. I am Mohammed Ajmal Kasab. My mother (NFI) and my father (NFI) live in the village of Faridkot. With my companions, I arrived on the 26th. We reached Mumbai and the same night we were involved in a scuffle with the police. My companion Ismail Khan was killed and I was injured. On the 27th, I was arrested, and the police filed a case against me. I need a lawyer and want to meet with the High Commission and talk to you. Please meet me soon, I am waiting. I am a patriot. End Quote.

COURSE OF THE INVESTIGATION

¶4. (C) Shah expressed frustration that, on the face of it, the information in the letter was not nearly enough to begin to make a case. It did not admit involvement in the attacks, it did not name the other co-conspirators, and it did not identify the planners or organizers of the operation. DCM advised Shah that the USG had had access to Kasab and had taken a much more extensive statement from him that provided many of the details. We are trying to make arrangements to share our information with the GOP.

¶5. (C) Shah said the GoP had tried to follow up on the basis of the information it had seen, but there were no exit records (land, sea, or air) on a person of that name. He also said they had investigated the village that Kasab claimed to be from. The people named in his letter existed, but the only child they had was born in 1997. Additionally, the SIM cards which were apparently recovered from the attackers' phones did not belong to Pakistan, but were from other countries.

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LIMITATIONS ON PUBLIC INTERVIEWS BY THOSE DETAINED

¶6. (C) To DCM's question, Shah clarified that the GoP had not issued a general order to the press against publicizing statements made by those associated with Jamaat ud-Dawa. Shah said the GoP did not have the ability to enforce such a thing against more than 80 media stations and newspapers. Instead, it had instructed Provincial governments to prevent those being detained from having access to the media. With the exception of one interview given very early on, that policy had been enforced. DCM also informed Shah that we would be sharing with the GOP the name and contact information for the Jamaat ud-Dawa webmaster through law enforcement channels. Shah appeared unfamiliar with the issue.

¶7. (C) Comment. DCM left the door open for a possible exchange of information through the FBI. At the moment, it does not appear that the GoP has clarified its thinking on how to move this case from intelligence to law enforcement channels. Shah also appeared unfamiliar with the information that we believe is available to the Government of Pakistan through their questioning of suspects in ISI custody. We will continue to press for Pakistani-Indian cooperation and information sharing, and to look for ways that the organizers of the operation can be brought to justice.